REMARKS

According to an embodiment of the present invention, content may be stored in a cache that is coupled to a receiver. The cached content may be accessed through an interface at any allowed time. In one embodiment, the interface may recognize when a certain condition arises that is amenable to the insertion of an advertisement. In one particular embodiment a user may be playing a game that was stored in the cache, and if there is a pause in the action of the game the interface may insert one or more advertisements.[1] Neither Picco nor Zigmond disclose or suggest insertion of an advertisement in this way.

Advertisement insertion is limited in Picco to fixed locations in a data stream. For example, in Picco a television data stream includes television programming data and a local content space.[2] The local content space is a blank spot in the programming data stream.[3] In Picco advertisements may be inserted into a data stream only if a local content space is identified.[4] And the inserted advertisement must match the size of the local content space.[5] A splicer in Picco inserts a local advertisement at the local content space before a data stream is output for display. Thus, in Picco even though the content of what is being displayed has changed from programming to advertising, the manner in which the content is being displayed has not changed.

In contrast, referring to a gaming embodiment of the present invention as one example, a user may pause the game during play. There is no way to know when a user may pause a game before the pause occurs. Even so, when there is a change in the condition of the play of the game one or more advertisements may be inserted and displayed for as long as the game is paused. When the user resumes play of the game the advertisements are no longer inserted.

Zigmond does not cure the deficiency of Picco. For example, like Picco, Zigmond inserts advertising and then outputs the video for display. Referring to the ad insertion device that is shown in Figure 5, an arrow from the lower left of the figure to the right represents programming delivery (i.e., content) coming into the video switch 90. Advertising may come from an advertisement repository 86 within the device, which is shown above the video switch 90. The

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[1] *See, e.g.,* Specification, pages 8-11.
[2] Picco, column 5, lines 49-54.
[3] *Id.*; Figure 2.
[4] Picco, *e.g.,* column 6, lines 37-39.
[5] Picco, column 11, lines 4-9.

video switch may insert the advertisement into the programming delivery and then output the video for display at 58. The switching decision unit 88 controls the switch. Thus, as the programming delivery is streamed to the video switch, the switching decision unit decides when to put the advertisements in the live feed. Like Picco, in Zigmond the mode of display, such as pausing the video as one example, has not changed.
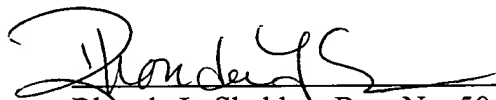
Because neither Picco nor Zigmond, alone or in combination do not insert advertisements in response to a change in the mode of display such as playing to pausing, which may be followed by resuming play as one example, the claims distinguish over these references.

CONCLUSION

In view of the amendments and remarks herein, the application is believed to be in condition for allowance. The examiner's prompt action in accordance therewith is respectfully requested. The commissioner is authorized to charge any additional fees, including extension of time fees, or credit any overpayment to Deposit Account No. 20-1504 (BKA.0005US).

Respectfully submitted,

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